

Message Text

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ACTION EUR-12

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E.O. 11652: N/A
TAGS: CASC, CARR, GW, WB, US
SUBJECT: FRG VIEWS ON POSSIBLE US-FRG PRISONER
EXCHANGE AGREEMENT

BEGIN SUMMARY: THE FRG JUSTICE MINISTRY EXPECTS TO
COMPLETE WORK ON A DRAFT LAW TO ENABLE THE FRG TO ENTER
INTO PRISONER EXCHANGE AGREEMENTS IN TIME FOR ITS
SUBMISSION TO PARLIAMENT BY JUNE OR JULY. END
SUMMARY

1. EMBOFF CHECKED WITH A REPRESENTATIVE OF THE FRG
MINISTRY OF JUSTICE (WALTER) ON THE CURRENT STATUS OF
FRG LEGISLATION THAT IS A LEGAL PREREQUISITE TO FRG
ABILITY TO NEGOTIATE AND CONCLUDE A PRISONER EXCHANGE
AGREEMENT WITH THE UNITED STATES OR ANY OTHER COUNTRY.

2. WALTER STATED THAT A DRAFT OF A NEW FRG LAW ON
JUDICIAL ASSISTANCE IN CRIMINAL MATTERS AND ON INTERNAL
EXTRADITION PROCEDURES (NO EFFECT ON PENDING US-FRG
DRAFT EXTRADITION TREATY) WAS IN THE FINAL STAGES OF
POLISHING WITHIN THE FINANCE MINISTRY. THAT LAW WOULD
CONTAIN PROVISIONS THAT WOULD PERMIT GERMAN LAW
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ENFORCEMENT AUTHORITIES TO IMPRISON PERSONS CONVICTED BY
OTHER THAN FRG COURTS, AND WOULD PERMIT THE FRG TO LET
SENTENCES OF CONFINEMENT BY GERMAN COURTS BE EXECUTED
ABROAD AND NOT EXCLUSIVELY WITHIN THE TERRITORY OF
THE FRG. AFTER COMPLETION OF WORK ON THE LAW BY THE
JUSTICE MINISTRY, THE DRAFT WOULD BE SUBMITTED TO THE
LAENDER FOR COMMENTS. IT WAS THE HOPE OF THE JUSTICE

MINISTRY THAT THE DRAFT LAW COULD BE SUBMITTED TO THE
FRG PARLIAMENT IN JUNE OR JULY 1978.

3. WALTER FULLY UNDERSTOOD THAT IN VIEW OF THE US-
CANADIAN AND US-MEXICAN PRISONER EXCHANGE TREATIES, THE
PASSAGE OF US IMPLEMENTING LEGISLATION, AND THE CONCLU-
SION OF THE FIRST ACTUAL PRISONER EXCHANGES, PRESSURE ON
THE USG FOR THE CONCLUSION OF A US-FRG PRISONER
EXCHANGE AGREEMENT WOULD MOUNT. HE STATED THAT THERE WAS
ALSO CONSIDERABLE INTEREST WITHIN THE FRG BUNDESTAG
FOR THE CONCLUSION OF PRISONER EXCHANGE AGREEMENTS,
PARTICULARLY WITH COUNTRIES SUCH AS TURKEY WHERE A
NUMBER OF GERMAN NATIONALS ARE SERVING LONG SENTENCES
FOR WHAT ARE CONSIDERED RELATIVELY MINOR DRUG OFFENSES
BY FRG STANDARDS.

4. WALTER STATED THAT IT WAS HIGHLY UNLIKELY THAT
THE FRG WOULD BE ABLE TO COMMENCE NEGOTIATION OF A
US-FRG PRISONER EXCHANGE AGREEMENT BEFORE THE NECESSARY
FRG LEGISLATION TO PERMIT SUCH AGREEMENT HAD BEEN ENACTED
INTO LAW.

5. EMBOFF REQUESTED THAT WALTER KEEP THE EMBASSY
INFORMED OF ANY MAJOR DEVELOPMENTS CONCERNING THIS
MATTER IN VIEW OF THE LEVEL OF USG INTEREST.

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6. WALTER STATED THAT FRG WASHINGTON EMBASSY LEGAL
ADVISER VON SCHMELING WAS UNDER INSTRUCTIONS CLOSELY TO
FOLLOW DEVELOPMENTS IN THE US ON PRISONER EXCHANGE
AGREEMENTS. L OR CA MAY WISH FROM TIME TO TIME TO PROVIDE
VON SCHMELING WITH INFORMATION CONCERNING US DEVELOP-
MENTS IN THIS AREA.
STOESSEL

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